

**FILED**

NOV 19 2019

Clerk, U.S. District Court  
District Of Montana  
Great Falls

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

ANTHONY FILLER,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC.,

Defendant.

CV 19-61-GF-BMM-JTJ

**ORDER, and FINDINGS  
AND RECOMMENDATIONS**

Defendant United Parcel Service, Inc. (UPS) filed a motion on September 11, 2019, requesting that the Court dismiss Plaintiff Anthony Filler's original Complaint. Filler filed an Amended Complaint on November 15, 2019. (Doc. 20). The Amended Complaint is now the operative pleading in this matter.

*Valadez-Lopez v. Chertoff*, 656 F.3d 851, 857 (9th Cir. 2011). UPS's Motion to Dismiss became moot when Filler filed his Amended Complaint. *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015).

Accordingly, IT IS HEREBY ORDERED:

UPS shall have up to and including January 17, 2020, to respond to Filler's Amended Complaint.

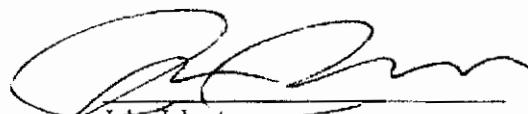
**IT IS RECOMMENDED:**

UPS's Motion to Dismiss (Doc. 6) should be DENIED as moot.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO  
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge.

DATED this 19th day of November, 2019.



John Johnston  
United States Magistrate Judge